

For the reform of Italian Drug legislation and for prisoners' rights A campaign in view of UNGASS 2016

(January 2015)

The campaign is meant to be a continuation of the previous 2013 campaign: *Drugs, Prisons and Human Rights: a campaign for a change in Italy*, carried out by Forum Droghe with a large coalition of Italian NGOs (Antigone, CNCA, CGIL, Società della Ragione, Unione Camere Penali, Magistratura Democratica etc.) .

The focus of this project is on the new developments after the Constitutional Court's ruling (which abolished most of the 2006 punitive drug law's norms in February 2014), and the consequent Court of Cassation's decision in favour of prisoners incarcerated under the illegitimate norms in May 2014: following this ruling, these prisoners have the right to be resentenced. The objectives of the campaign are:

- 1) develop immediate action to implement the Court of Cassation's ruling on the rights of illegitimately incarcerated prisoners; 2) elaborate a coherent and comprehensive reform of drug legislation, which is necessary after the judiciary interventions, and create consensus on it; 3) open a debate on the international scenario in view of the 2016 UNGASS and on the international conventions. In particular, an in depth discussion on the international conventions is necessary to assess whether a flexible interpretation of the Conventions can allow an up to date and comprehensive reform of drug legislation at national level or the International Conventions need to be changed because they are no longer fit for purpose.

As said, the campaign *For the reform of Italian drug legislation and for prisoners' rights* should be seen as the second step of the 2013 *Drugs, Prisons and human rights* campaign. The 2013 campaign focused on the link between Italian prisons overcrowding and the high rates of imprisonment for drug crimes due to the 2006 strictly prohibitionist drug legislation. A change both in drug and justice policies has been advocated and specific bills on the topics have been drafted. Thousands of signatures by Italian citizens have been raised to advocate the discussion and approval of the bills in the Parliament.

The campaign has been successful beyond expectations: some of the norms advocated by the campaigners were accepted by the government and later approved by the Parliament (such as the introduction of milder penalties for minor drug crimes and the widening of alternatives to incarceration); more important, the main articles of the 2006 drug legislation were abolished by the Constitutional Court and milder penalties for cannabis crimes have been reintroduced (while the Court of Cassation ruled that prisoners sentenced under unconstitutional norms have the right to be resentenced).

Such a scenario opens up to new developments. It is urgent to support prisoners' rights according to the Cassation's ruling: thousands of prisoners (sentenced for minor cannabis crimes according to the abolished 2006 norms) may benefit from the Courts' rulings (though the exact number can hardly be worked out).

More at large, time has come for an organic and comprehensive drug law reform, to provide a consistent framework to the judiciary interventions and to the partial parliamentary changes. In addition, important problems are still pending, such as the decriminalization of cultivation for personal use. In view of an organic and up to date reform of drug legislation, the limits set by United Nations Drug Conventions have to be considered. Therefore, it will be necessary to look at the UNGASS 2016 event, trying to address the key issue regarding the extent of the Conventions' flexibility: does a flexible interpretation of International Conventions allow appropriate drug reforms at national level, or is a revision of the Conventions necessary? The discussion about the international framework of drug legislations will constitute the link between the national drug policy reform and the agenda of the 2016 UNGASS event.

The 2013 *Drugs, Prisons and Human Rights* campaign has been successful in drawing public opinion's attention on harms of punitive drug legislations. Hopefully, the 2014 campaign will represent a further step towards a drug policy reform in Italy

